

MESSAGE NO: 7032206 MESSAGE DATE: 02/01/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 5038204
MESSAGE #
(s):

CASE #(s): A-560-802

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/01/2005 TO 01/31/2006

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQ. INST. CERTAIN PRESERVED MUSHROOMS FROM INDONESIA MFR'D/EXP'D
BY PT SURYA JAYA, PT DIENG DJAYA, PT INDO EVERGREEN, PT EKA TIMUR, PT KARYA
(A-560-802-001/3/4/5)

MESSAGE NO: 7032206

DATE: 02 01 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 5038204

REFERENCE DATE: 02 07 2005

CASES: A - 560 - 802

- -

- -

- -

- -

- -

PERIOD COVERED: 02 01 2005 TO 01 31 2006

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ. INST. CERTAIN PRESERVED MUSHROOMS FROM INDONESIA
MFR'D/EXP'D BY PT SURYA JAYA, PT DIENG DJAYA, PT INDO
EVERGREEN, PT EKA TIMUR, PT KARYA (A-560-802-001/3/4/5)

1. ON 05/04/2005, AS A RESULT OF THE DISMISSAL OF LITIGATION IN
THIS CASE, THE INJUNCTION WAS LIFTED (CIT 04-00609). AS A RESULT
OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 5038204 DATED
02/07/2005 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE
SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN PRESERVED
MUSHROOMS FROM INDONESIA FOR THE PERIOD 02/01/2005 THROUGH
01/31/2006 PRODUCED/EXPORTED BY P.T. SURYA JAYA ABADI PERKASA,
P.T. DIENG DJAYA, P.T. INDO EVERGREEN AGRO BUSINESS CORP.,

P.T. EKA TIMUR RAYA, AND P.T. KARYA KOMPOS BAGAS DISSOLVED ON 05/04/2005.

2. FOR ALL SHIPMENTS OF CERTAIN PRESERVED MUSHROOMS FROM INDONESIA PRODUCED/EXPORTED BY P.T. SURYA JAYA ABADI PERKASA (A-560-802-001), P.T. DIENG DJAYA (A-560-802-001), P.T. INDO EVERGREEN AGRO BUSINESS CORP. (A-560-802-003), P.T. EKA TIMUR RAYA (A-560-802-004), AND P.T. KARYA KOMPOS BAGAS (A-560-802-005), YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 02/01/2005 THROUGH 01/31/2006 AT THE RATE IN EFFECT ON THE DATE OF ENTRY.

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 02/01/2005 THROUGH 01/31/2006. YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED

IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O4:KJ).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party